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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PATRICIA G. BARNES,
Plaintiff,
v.
KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.

Case No. 3:18-cv-00199-MMD-WGC

**ORDER GRANTING Defendant's
Motion for Extension to Respond to
Plaintiff's Motion to Compel Discovery
Responses and Request for Extension
(ECF No. 185)**

First Request

Defendant Kilolo Kijakazi ("Defendant") hereby moves for a 21-day extension of time, from September 16, 2021 to October 7, 2021, to respond to Plaintiff's Motion to Compel Discovery Responses. (ECF No. 185).¹ This motion is made pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Rule IA 6-1.

A. DISCOVERY AND OTHER MATTERS COMPLETED TO DATE

On March 4, 2021, this Court ordered the case to proceed on Plaintiff's claim for disparate impact age discrimination under the Age Discrimination in Employment Act as alleged in Plaintiff's Second Amended Complaint. (ECF No. 163). On April 5, 2021, Defendant answered the complaint. (ECF No. 166).

¹ Plaintiff's motion also requests a one-month extension of discovery (ECF No. 185 p. 1). Defendant does not object so long as all deadlines following any one-month extension of discovery are also extended by one month.

1 On May 11, 2021, the Court adopted Defendant's proposed discovery plan. (ECF
2 No. 171). Plaintiff subsequently submitted interrogatories and requests for production to
3 Defendant and Defendant responded to those discovery requests. (Vance Decl. ¶ 3). On
4 September 2, 2021, Plaintiff filed her motion to compel discovery responses and request for
5 extension. (ECF No. 185).

6 Plaintiff filed a fourth amended complaint on August 20, 2021. (ECF No. 184).
7 Defendant moved to dismiss that complaint on September 3, 2021. (ECF No. 186).
8 Defendant also moved to stay the case that same day. (ECF No. 187). Those motions are
9 pending.

10 **B. REASONS FOR THE EXTENSION REQUEST**

11 Plaintiff's motion to compel discovery responses and request for extension is 75
12 pages long and will require considerable time to meaningfully review. (Vance Decl. ¶ 5).
13 Moreover, defense counsel recently, and on short notice, was required to undergo a
14 medical procedure at Renown Hospital that will require at least two and a half weeks of
15 recovery. (*Id.* ¶ 6). Under the circumstances, good cause exists to extend the deadline for
16 Defendant to respond to Plaintiff's motion to compel discovery. *See* Fed. R. Civ. P.
17 6(b)(1)(A) ("When an act may or must be done within a specified time, the court may, *for*
18 *good cause*, extend the time...with or without motion or notice if the court acts, or if a
19 request is made, before the original time or its extension expires[.]") (emphasis added).

20 This is Defendant's first request to extend the deadline for responding to Plaintiff's
21 motion to compel discovery responses. *See* LR IA 6-1 (must advise of previous extensions).
22 A 21-day extension would give Defendant until October 7, 2021 to file the response. This
23 extension request is made in good faith and not for the purpose of undue delay.

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CONCLUSION

For the reasons argued above, Defendant's 21-day extension request should be granted.

DATED: September 15, 2021

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

s/ Holly A. Vance
HOLLY A. VANCE
Assistant U.S. Attorney

IT IS SO ORDERED.

Dated: September 16, 2021

Warren G. Cobb
UNITED STATES MAGISTRATE JUDGE